

REMARKS

Claims 31, 33-38, 40-45 and 47 have been amended to improve punctuation, grammar, spelling, and format. These amendments have no limiting effect on the scope of the claims.

Claim 29 has been additionally amended to recite that the “identification code” is transmitted --in real time-- as supported by claim 40. Claim 40 has been amended to remove the phrase “or almost in real time.”

The present amendments to the claims adds no new matter and raise no new issues.

The Rejections

Claims 40-46 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 29-46 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Gutman et al. (U.S. Patent 5,221,838) in view of Vazvan (WIPO Document WO 97/45814). Claim 47 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Gutman as modified by Vazvan, and further in view of Kawan (U.S. Patent 5,796,832).

Applicant respectfully traverses the rejections and requests reconsideration and allowance of the claims for the following reasons.

Applicant's Arguments

The amendment to claim 40 addresses and obviates the rejection under 35 U.S.C. §112.

The present Office Action (dated January 27, 2004) fails to address

Applicant's arguments and amendments made in response to the previous Office action (dated June 24, 2003) and filed as Amendment (B) and Supplemental Amendment (C) on October 23, 2003 and November 14, 2003, respectively (the latter Amendment merely correcting a minor deficiency in claim formatting), and essentially repeats the earlier rejections. In an Office Action, when repeating a rejection, the Examiner must "take note of the applicant's argument and answer the substance of it." M.P.E.P. 707.07(f). Therefore Applicants respectfully request withdrawal of the present Office Action.

Applicants believe that the arguments and amendments filed earlier completely address the rejections in the present office action. For the convenience of the Examiner, the arguments previously presented but not considered are restated in numbered form below, modified slightly to comport with the present Amendment.

(1) A proper rejection under § 103 requires that the combined references teach all the elements of the claimed invention. Regarding the rejection of claim 29, Gutman teaches an electronic wallet for financial transactions. As admitted by the examiner, Gutman fails to teach that "an identification code from said electronic purse is transmitted when each of said connections is set" (Office Action dated June 24, 2003, page 3, lines 13-14), and as disclosed in claims 29, 38, and 40 of the present invention. Such an identification code of the present invention comprises a code particular to each purse (present specification, p. 3, lines 9-11). The examiner improperly asserts that Vazvan discloses that "an identification code from said electronic purse is transmitted when each of said connections is set," and that in combination with Gutman, the elements of claim 29 are taught. Vazvan teaches a wireless secure payment system, including "payee's details such as a contact code or number, account code or number, and bill" (Vazvan, p. 2, lines 30-32; see also p. 3,

lines 3-7 and 26-27). Neither Gutman nor Vazvan teaches transmission of an identification code from said electronic purse, which is particular to the purse, as disclosed in the present invention.

(2) Additionally, none of the references of record teach, or even suggest, “a transmission of a spending authorization for a specific amount of money is carried out when the third connection is set between the financial institute and the cashing device, to prevent any non-authorized spending with the electronic purse” or that “said third device for establishing said third connection is able to transmit a spending authorization for a specific amount of money between the financial institute and the cashing device, to prevent any non-authorized spending with said electronic purse” as recited in previously amended claims 29 and 38, respectively.

(3) For all of the above reasons, Applicants respectfully traverse the rejection of claims 29 and 38. Because claim 29 is the only independent claim and all other claims depend on it, the claims subsequent to claim 29 are allowable for the above reasons, and applicants respectfully traverse the rejections of all of the claims. Nonetheless, additional reasons for the allowability of certain claims are set forth below.

(4) Regarding the rejection of claim 32, none of the references of record teach “a ground relay and a telephone network” as disclosed in claim 32 as previously amended.

(5) Regarding the rejection of claim 40, none of the references of record teach connections that “transmit in real time” as disclosed in the claim as amended.

(6) Regarding the rejection of claim 47, Kawan teaches a financial information and transaction system including a biometric identification file (222) and an encrypted digital signature file (224). Neither Kawan nor any other of the references of record

teach that any security feature which “control[s] the restitution of a remaining amount” of funds in the purse, as disclosed in claim 47 as amended.

In addition to the above arguments previously presented by the Applicants and not considered or addressed by the Examiner, the Examiner’s assertion regarding telecommunications features in claim 32 appears to be an official notice, however no concrete evidence is provided. Because Applicant has thereby traversed this notice, such an assertion must be supported by concrete evidence. In re Zurko, 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001).

In view of all of the above, Applicants respectfully traverse the present rejections and request withdrawal of the present Office Action.

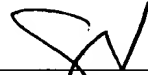
Conclusion

For all of the above reasons, claims 29-46 are now in condition for allowance. Therefore, Applicants respectfully request reconsideration of the application, and a prompt notice of allowance is earnestly solicited.

Questions are welcomed by the below signed attorney for the Applicants.

Respectfully submitted,

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